

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

BENNIE J. POTEET, II, Individually )  
and by and through his Next Friend, )  
EVELYN POTEET, )  
                                        ) Case No. 1:05-CV-309  
*Plaintiffs,* )  
v.                                     ) Chief Judge Curtis L. Collier  
                                       )  
POLK COUNTY, TENNESSEE, *et al.*, )  
                                       )  
*Defendants.*                     )

**ORDER**

Before the Court is Plaintiffs Bennie Joe Poteet, II, individually and by and through his next friend, Evelyn Poteet’s (“Plaintiffs”) motion to alter or amend the Court’s Order on its motion for an extension of time to file a response to Defendant National Healthcare of Cleveland, Inc. d/b/a Cleveland Community Hospital’s (“Defendant”) motion for partial summary judgment (Court File No. 198). Plaintiffs request the Court alter or amend its Order denying Plaintiffs’ motion for extension of time to respond to Defendant’s motion for partial summary judgment (Court File No. 195). As cause, Plaintiffs state the deadline to file their response to Defendant’s motion was March 5, 2007, the day they requested an extension of the time to file a response (Court File No. 164). In its Order the Court noted that the deadline to file a response to Defendant’s motion was March 4, 2007 (Court File No. 195). Plaintiffs bought the fact that March 4, 2007 was a Sunday to the Court’s attention. Accordingly, pursuant to the Federal Rules of Civil Procedure, the Court finds the deadline to file a response to Defendant’s motion was March 5, 2007.

Nonetheless, as the Court indicated in its Order (Court File No. 195), the reasons given by Plaintiffs are not sufficient to warrant an extension. The Court reiterates that the parties set their

own deadlines and were cautioned that those dates are not easily changed. Additionally, the reasons given by Plaintiff are not persuasive. The dispositive motion deadline in this case was February 12, 2007 (Court File No. 26). Plaintiffs did not notice Defendant for a deposition until January 23, 2007. Even though Defendant filed a motion for protective order, which was withdrawn upon agreement of the parties, Plaintiffs have not filed a motion to compel Defendant's deposition. Scheduling difficulties are not seen as a compelling reason to ignore previously agreed upon dates. Therefore, the Court **DENIES** Plaintiffs' motion (Court File No. 198).

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**